

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

GORDON C. REID :
: :
v. : C.A. No. 06-44S
: :
WARREN F. DOWALIBY, et al. :
:

REPORT AND RECOMMENDATION

Lincoln D. Almond, United States Magistrate Judge

On May 18, 2006, the Judges of the District Court for the District of New Hampshire issued an Order recusing themselves from this litigation because “Steven Monier, United States Marshal for the District of New Hampshire, is a named defendant in this case.” See Recusal Order in Civil No. 06-CV-182-JD. Thus, on May 19, 2006, Chief Judge Steven T. McAuliffe issued an Order transferring the case to this District. See Transfer Order in 06-CV-182-JD.

After some preliminary proceedings, Plaintiff has moved for voluntary dismissal as to Marshal Monier pursuant to Fed. R. Civ. P. 41(a). By Order dated September 15, 2006, this Court has granted that Motion, and Marshal Monier is no longer a party to this case. Thus, the basis for the Recusal Order no longer exists. Given that all of the parties to this action and counsel for the remaining Defendants are all located in New Hampshire, the case involves incidents allegedly occurring in New Hampshire and is in its early stages, it would be more efficient to litigate this matter in New Hampshire. Accordingly, given the voluntary dismissal of Marshal Monier, this Court recommends that District Judge William E. Smith enter an order transferring this case back to the District of New Hampshire.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within ten (10) days of its receipt. Fed. R. Civ. P. 72(b); LR Cv 72. Failure to file specific objections in a timely manner constitutes a waiver of the right to review by the District Court and the right to appeal the District Court's decision. United States v. Valencia-Copete, 792 F.2d 4 (1st Cir. 1990).

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
September 15, 2006